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Security Council

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Letter dated 30 November 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instruction from my Government, I would like to bring the following to the attention of members of the Security Council.

The Rwanda Government welcomes the visit of the Security Council to the Great Lakes region. Rwanda believes that such visits to the region are very useful in enabling the Council gain a much better understanding of the challenges States in the region face with respect to peace and security, than the relatively distant and insular world of United Nations Headquarters in New York could every allow.

Rwanda also welcomes the signing of the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. It is our earnest hope that the process that began in Dar es Salaam on 20 November will culminate in genuine and durable peace, security, democracy and development in the Great Lakes region, and the wider continent of Africa. We welcome the determination by the heads of State present at Dar es Salaam to respect the territorial integrity and sovereignty of all States in the region and to prevent the use of their territories for subversive and destabilizing activities against other States by armed groups. We also welcome their commitment to fight against genocide in the region, and to disarm and arrest the perpetrators of genocide in Rwanda in 1994.

Rwanda's sovereignty and territorial integrity continue to be violated with relative impunity by forces operating from the territory of the Democratic Republic of the Congo. Despite numerous Security Council resolutions, the ex-FAR/Interahamwe forces continue to operate from, and receive supplies on, the territory of a State Member of the United Nations. Moreover, they continue to recruit, train and inculcate their nefarious genocidal ideology into many others, including young people and children who did not physically participate in the genocide of 1994. The eastern Democratic Republic of the Congo has therefore become a recruiting ground and crucible for the ideology of hate, destruction and extermination in our region. This state of affairs is unacceptable.

Over the past three months, these genocidal forces have carried out a series of attacks on Rwanda territory. They have killed our people and continue to destroy property. Furthermore, in their planning, these forces not only intend to attempt to complete the genocide of 1994, they have also targeted key infrastructure, vital for Rwanda's economy.

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The Security Council will recall that, on 15 November, the ex-FAR/Interahamwe launched a series of Katyusha rocket attacks from the territory of the Democratic Republic of the Congo into a Rwanda village, causing civilian casualties. A few months ago, this force together with its allies from Burundi attacked a refugee camp at Gatumba and killed 160 civilians, among them young children and women. In April and May of this year, the same force attacked three provinces in Rwanda, stole property and terrorized civilians. Today these forces are massed along the Congolese side of our common border, poised for an attack on Rwanda.

The lack of reaction by the international community, especially peacekeepers of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) present in the eastern Democratic Republic of the Congo, has emboldened these groups. Their representatives and spokespersons have made public declarations that they will never allow themselves to be disarmed, partly because, as they say, they were invited by the Government of the Democratic Republic of the Congo. These declarations have even been made on Radio Okapi, the United Nations radio station operated by MONUC in the Democratic Republic of the Congo.

It seems clear to Rwanda that some members of the international community nurse the hope that, at a given time, the forces that committed genocide in Rwanda will transform themselves, or be transformed into, something more acceptable to both Rwandans and the international community. The attempt is being made. Those groups now write to the Secretary-General of the United Nations from their headquarters in Europe and elsewhere. One of the more unexplainable and unacceptable events during the preparatory process for the International Conference on the Great Lakes Region is the fact that the United Nations Secretariat disseminated an application for those forces to attend the Conference as observers. It is also a fact that the United Nations has made it clear that the best it can do is call for voluntary disarmament of the ex-FAR/Interahamwe.

Rwanda would like the Security Council to recall that the Lusaka Ceasefire Agreement of 1999, which ended the inter-State war in the Democratic Republic of the Congo, had four main pillars: a cessation of hostilities; the holding of an inter-Congolese dialogue; the withdrawal of foreign forces; and the disarmament of negative armed groups, including, in particular, the ex-FAR/Interahamwe. Of the four pillars, only the last required the presence of United Nations forces. The region took responsibility for the cessation of hostilities, the holding of an inter-Congolese dialogue; and the withdrawal of foreign troops was voluntary. It should be unacceptable to the Security Council that the only pillar that remains unfulfilled is precisely the one which required the presence and involvement of United Nations peacekeeping forces. Clearly, voluntary disarmament would not require the United Nations to dispatch thousands of troops and spend hundreds of millions of dollars per year. Rwanda believes that MONUC should refocus itself, with an emphasis on a clear mandate to disarm the genocidal forces, and do this expeditiously. Failure to do so will inevitably lead to an increase in tension in the region, and would fundamentally undermine the transitional processes in the Democratic Republic of the Congo and Burundi.

Rwanda does not consider that resolving the problem of the genocidal forces is a matter for Rwanda alone, the Democratic Republic of the Congo alone or even a matter between Rwanda and the Democratic Republic of the Congo. It is a matter for the Security Council, in the context of its mandate to address threats to international peace and security.

We therefore ask once again, for how long will the Rwandan people have to live with the spectre of genocide on their doorstep? We have waited 10 years for an answer from the Security Council. We find it difficult to wait any longer.

What are the options in resolving this problem? We have repeatedly called on the Congolese authorities to deal with this situation decisively. Cognizant of stated incapacities of that country and the lack of an effective response from the international community, we have offered to work jointly with the Government of the Democratic Republic of the Congo to deal with this problem. This has been rejected. We have even been willing to place Rwandan troops under Congolese command and control to deal with the problem. This has not been accepted either. It seems to us that Rwanda is expected to simply wait and fold its arms while its people are killed, its infrastructure is destroyed and destabilization continues. This Rwanda is not willing to do.

States members of the Security Council recognize that the overriding responsibility of any State to its people is to protect and defend them when they are under threat. The Rwanda Government recognizes this as not only a responsibility but as an obligation to its people. We lost 1 million people to genocide and hate. We cannot allow it to continue any longer. We also cannot allow threats to our people and their livelihoods to continue to haunt us even now, 10 years after the genocide. We must protect and defend our people. If my Government were to fail in this task it would be failing in its most basic duty. We will not allow that to happen.

We request that the present letter be circulated as a document of the Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

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Report of the Security Council mission to Central Africa, 21 to 25 November 2004*

I. Introduction

1. In his letter dated 9 November 2004 (S/2004/891), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to Central Africa in November 2004, which would be led by Jean-Marc de La Sablière. Following consultations among the members of the Council, it was agreed that the composition of the mission should be as follows:

France (Ambassador Jean-Marc de La Sablière, head of mission)

Algeria (Ambassador Mourad Benmehidi)

Angola (Ambassador Ismael Abraão Gaspar Martins)

Benin (Ambassador Joël W. Adechi)

Brazil (Ms. Irene Vida Gala)

Chile (Mr. Andrés Landerretche)

China (Ambassador Zhang Yishan)

Germany (Ambassador Gunter Pleuger)

Pakistan (Ambassador Munir Akram)

Philippines (Mr. Patrick Chuasoto)

Romania (Ambassador Gheorghe Dumitru)

Russian Federation (Ambassador Andrey Denisov)

Spain (Ms. Ana Jiménez)

United Kingdom of Great Britain and Northern Ireland (Ambassador Adam Thomson)

United States of America (Ambassador Sichan Siv)

2. The terms of reference of the mission are annexed to document S/2004/891.

* A list of abbreviations used in the present report appears at the end of the document.

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3. The Security Council mission to Central Africa immediately followed the meetings of the Security Council in Nairobi on 18 and 19 November. The Council mission left Nairobi on 21 November and returned to New York on 26 November. During that period, the mission visited Kigali, Kinshasa, Bukavu, Bujumbura and Entebbe. The mission met with the President of Rwanda, Paul Kagame; the President of the Democratic Republic of the Congo, Joseph Kabila; the President of Burundi, Domitien Ndayizeye; and the President of Uganda, Yoweri Kaguta Museveni.

4. The mission also met in Kinshasa with the four Vice-Presidents of the Democratic Republic of the Congo; the President of the Senate and the Speaker of the National Assembly; the Chairpersons of the five institutions in support of democracy; representatives of civil society; and the International Committee in Support of the Transition (CIAT). The mission met in Bukavu with the Governor of South Kivu, one of the two Vice-Governors, the Commander of the tenth military region, the Provincial Police Inspector and two presidential advisers. In Bujumbura, the mission held consultations with the newly appointed Vice-President, the President of the Senate, the Speaker of the National Assembly, the Minister of State in charge of Good Governance and of General Audit Service, the Independent National Electoral Commission, the Implementation Monitoring Committee and representatives of civil society.

5. The mission was briefed in Kinshasa and Bukavu by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and in Bujumbura by the United Nations Operation in Burundi (ONUB). In Kinshasa, the mission also received a briefing from the Special Representative of the Secretary-General for the Great Lakes Region, Ibrahima Fall. The mission was accompanied by the Special Representative of the Secretary-General for the Democratic Republic of the Congo, William Lacy Swing, in Kinshasa, Bukavu and Entebbe, while the Special Representative of the Secretary-General for Burundi, Carolyn McAskie, accompanied the mission in Bujumbura and Entebbe.

6. The fifth mission of the Security Council to Central Africa in as many years took place at a time when the peace processes in the Democratic Republic of the Congo and in Burundi have decisively entered a new phase, with both countries actively preparing for elections to take place in 2005. The mission also took place in the context of the Council's greater role in support of these two transitions, with the reinforcement of MONUC by an additional 5,900 personnel, making it the largest United Nations peacekeeping operation in the world, and the establishment of ONUB.

7. The mission took place immediately after the first summit of the International Conference on the Great Lakes Region of Africa in Dar es Salaam, which had concluded successfully with the adoption of the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

8. The mission began its visit to the region with a meeting with President Kagame in Kigali. Much of the discussion focused on the nature of the problem posed by the ex-FAR/Interahamwe based in the Democratic Republic of the Congo, and the status of their disarmament, demobilization, repatriation, reintegration and resettlement.

9. President Kagame regretted that the problem of the *génocidaires* had been "preserved" because of the "insufficient" efforts expended by the international community in the last 10 years. In response to a question regarding how many *génocidaires* were actually present among the mostly young rank and file of the ex-FAR/Interahamwe elements in the Democratic Republic of the Congo, President Kagame noted that even if they had not participated in the 1994 genocide, they were immersed in the genocidal ideology. In his view, therefore, FDLR, a group that had been constituted by ex-FAR/Interahamwe elements, could never be seen as a legitimate political interlocutor. President Kagame indicated, however, that his Government was ready to accept and reintegrate individual members of FDLR into Rwandan society, noting that Rwanda had already successfully reintegrated some 2.5 million returnees.

10. President Kagame expressed his satisfaction with the Dar es Salaam Declaration, which recognized the problem of the genocide. He also expressed the view that it would be useful if the United Nations were to support a regional force to settle the issue of the ex-FAR/Interahamwe, since the voluntary disarmament, demobilization, repatriation, reintegration and resettlement approach had shown its limits. In response to a question about whether the principles of the Dar es Salaam Declaration would be implemented by the signatory parties, President Kagame indicated that his Government would be making a positive contribution. He also indicated his Government's willingness to participate in the Joint Verification Mechanism and the tripartite mechanism, while at the same time stressing the need for concrete actions to follow any investigations undertaken.

11. The mission underlined in this connection the importance of respect for the sovereignty and territorial integrity of all countries in the region. It noted that while it might have a different assessment of the scale of the threat posed by the ex-FAR/Interahamwe, it agreed that the ex-FAR/Interahamwe was a problem that had to be tackled. It recalled that the Transitional Government of the Democratic Republic of the Congo, with the support of MONUC, was currently pursuing a two-phase plan to resolve the issue of the disarmament, demobilization, repatriation, reintegration and resettlement of the ex-FAR/Interahamwe. It underlined that progress would also depend on Rwanda's continued openness to the repatriation of ex-FAR/Interahamwe fighters.

12. Regarding the transition process in the Democratic Republic of the Congo, President Kagame criticized the terms of reference of the mission, stressing that the fall of Bukavu was strictly an internal Congolese affair, in which Rwanda played no part. He emphasized the nature of "internal problems" faced by the Democratic Republic of the Congo, adding that Rwanda should not be blamed for them.

II. Democratic Republic of the Congo

Political transition

13. One of the key objectives of the Security Council mission to the Democratic Republic of the Congo was to observe at first hand the achievements made in the peace and transition process since its last visit to the country, shortly before the establishment of the Government of National Unity and Transition on 30 June 2003. In this connection, the Council mission noted that the main transitional institutions

had been established and were operational; an integrated high command had b set up for the armed forces and police service; the Governors and Vice-Governors o the provinces had been appointed; and some key laws, such as the nationality law, had been adopted. The mission reiterated its strong support for the transition, while at the same time underscoring to its interlocutors that there was no alternative to the process under way. Welcoming the fact that the Democratic Republic of the Congo peace process had entered a new phase leading to the adoption of the Constitution and the holding of the elections, the Security Council mission stressed the importance of respecting the deadline for completing the process, as agreed, by June 2005.

14. The Council noted that much work remained to be done in this respect. In order to ensure peaceful elections, there was a need to accelerate the implementation of the key aspects of the transition. These were the integration of the armed forces and of the police, the adoption of the Constitution, a package of election-related legislation and other essential laws and technical preparations for the elections, including the registration of voters. The Council mission noted that in order to accomplish these objectives, it was essential that the President and his four Vice-Presidents (known as the *espace présidentiel*) work together more closely and constructively, and with MONUC and CIAT. To this end, MONUC and the wider international community were prepared to help the Transitional Government through the three joint commissions, on the security-sector reform, legislation and elections, established by Security Council resolution 1565 (2004). Looking beyond the elections, the Council mission stressed the need to create conditions that would ensure stability in the post-electoral period. The mission underscored that the electoral process must remain credible.

15. While acknowledging the delays encountered thus far, President Kabila, his Vice-Presidents and other transitional leaders reaffirmed their determination to work towards free, fair and transparent elections within the agreed time frame. President Kabila renewed his and his Government's commitment to the transition road map. In discussions on the three joint commissions of CIAT and the Transitional Government, on security-sector reform, legislation and elections, called for by the Security Council, President Kabila agreed that all three should be operational no later than the end of 2004.

16. The mission was reminded of the tremendous challenges that the country faced, such as the need to overcome the continued divergence of views among the components of the Transitional Government, the continuing insecurity in the east and the sheer logistical challenges posed by the size of the country and lack of infrastructure. Furthermore, some interlocutors conveyed to the mission that issues such as the "prevailing culture of corruption" and lack of progress in reaching an agreement on power-sharing in respect of public enterprises contributed to an environment that was, in their view, not conducive to the holding of free and fair elections.

17. Many interlocutors also spoke of the challenges of holding elections in a country that has never, since its independence, conducted free and fair elections. Four decades of an undemocratic regime characterized by economic mismanagement and two decades of chronic instability, followed by two wars over a five-year period, had left the country deeply scarred. The mission stressed the need to combat hate speech and inflammatory propaganda. It was nevertheless reassured

by the determination expressed by all its interlocutors to carry through the transitional process. The transitional leaders stressed the importance of establishing legitimacy through the holding of the elections and the setting up of a Government based on democratic principles. The mission also came away with a strong impression of the Congolese people's ardent desire to hold the elections. The mission concluded that the parties must reach an understanding on the post-transitional period in order to ensure stability in the long run. The Congolese population demanded no less.

Eastern Democratic Republic of the Congo: continuing insecurity and the need for good-neighbourly relations

18. While the main focus of the mission's discussion with its interlocutors was on the elections, it was frequently reminded of the insecurity that continued to affect the eastern part of the country. The lack of progress in military integration and in the extension of State authority throughout the territory of the Democratic Republic of the Congo are reflected in the tensions still existing between disparate military units of former belligerents, while foreign armed groups, especially the ex-FAR/Interahamwe, continue to pose a threat to the civilian population, to stability in the area and, to some extent, to neighbouring countries. The mission's Congolese interlocutors stressed that the district of Ituri and the provinces of North and South Kivu remained volatile and a source of major concern. The mission was also reminded of the continuing problem of the illegal exploitation of natural resources, which simultaneously caused and fuelled conflict. In this connection, the mission stressed to the authorities of the Democratic Republic of the Congo the need to establish institutions that could control, in a transparent and effective manner, the exploitation of natural resources for the benefit of the population.

19. The improvement of security conditions in the east, therefore, remains a key priority for the Transitional Government and MONUC. Restoring confidence with neighbouring countries on the eastern border is a key element in that regard. Upon being informed that two border towns in Rwanda had reportedly been shelled on 15 and 16 November by unknown attackers, apparently from the territory of the Democratic Republic of the Congo, the mission urged both the Government of the Democratic Republic of the Congo and that of Rwanda to immediately operationalize the Joint Verification Mechanism. It was widely acknowledged that the problem posed by the ex-FAR/Interahamwe must be rapidly addressed in view of the forthcoming elections and the need to build regional confidence. The mission took note of the willingness of the Congolese authorities for the disarmament, demobilization, repatriation, reintegration and resettlement of foreign armed groups, in particular the ex-FAR/Interahamwe, to enter a more active phase. The mission was subsequently informed in more detail about the two-phase plan of the Government of the Democratic Republic of the Congo to settle this problem, with the assistance of MONUC. The mission welcomed the sensitization campaign currently being conducted by the Transitional Government, with the support of MONUC, in South Kivu, as the first phase of this plan. It encouraged the Government to further develop its disarmament, demobilization, repatriation, reintegration and resettlement strategy, with the cooperation of Rwanda and Uganda, in accordance with the November 2003 Pretoria Agreement and the October 2004 tripartite agreement.

20. Upon its departure from the Democratic Republic of the Congo, the mission was surprised to receive reports that Rwanda intended to intervene across its border with the Democratic Republic of the Congo, in response to alleged threats from the ex-FAR/Interahamwe. This underlined the importance, in Kigali's eyes, of the ex-FAR/Interahamwe problem. On behalf of the mission of the Security Council, its leader issued a press statement in Bujumbura on 25 November, urging the Government of Rwanda to refrain from any action that would violate international law, undermine the region's fragile stability or jeopardize the transition process supported by the international community. The statement also recalled the plan established by the Congolese authorities, supported by MONUC, to accelerate the repatriation of foreign armed groups and urged Rwanda to explore the way forward with the Government of the Democratic Republic of the Congo, building on their existing bilateral mechanisms.

The situation in Bukavu

21. The mission spent 23 November visiting Bukavu and met with Mr. Bulaimu, Governor of South Kivu province, Mr. Kaningini, Vice-Governor, Brigadier General Mabe, Commander of the tenth military region, Mr. Bocope, Provincial Police Inspector, and Mr. Cishambo and Mr. Darwezi, presidential advisers. The mission also received a comprehensive briefing from the MONUC field office in Bukavu on the situation in the Kivus and the activities of MONUC in the two provinces.

22. The mission's objective in visiting Bukavu was to show its solidarity to the people of the town, which in early June was briefly captured by General Nkunda and Colonel Mutebutsi, "dissident" elements of RCD-Goma. It also gave the mission an opportunity to receive a first-hand briefing from MONUC personnel regarding the Mission's military and disarmament, demobilization, repatriation, reintegration and resettlement activities. In particular, the mission was briefed on the ongoing "Walungu operation", which is the first joint exercise of the Congolese Armed Forces and MONUC, aimed at promoting the disarmament and repatriation of Rwandan armed elements. The present phase of the operation is preparatory in nature. It seeks to provide protection to civilians who are often victimized by the ex-FAR/Interahamwe that operate in the area, west of Bukavu, and to encourage the latter to enrol in the voluntary MONUC disarmament, demobilization, repatriation, reintegration and resettlement programme before the commencement of a military phase. The Congolese Armed Forces and MONUC have established a combined operations centre to coordinate their activities and support requirements.

23. While obstacles to peace are numerous everywhere in the Democratic Republic of the Congo, the challenges are particularly acute in the Kivus, which have suffered the brunt of the conflict in the last five years. The costs of the conflict are tremendous, including the displacement of hundreds of thousands of people, massive violations of human rights, use of sexual violence as a weapon of war, extensive destruction and looting of property and the widespread use of child soldiers by almost all armed groups. In the aftermath of the Bukavu crisis, and of the massacre of Congolese refugees in the border town of Gatumba in Burundi, the region also faces the major challenge of repatriating and reintegrating a large number of Congolese Banyamulenge refugees in an environment that is deeply anti-Rwandaphone.

24. In the meeting between the mission and the local authorities, the mission reiterated its condemnation of the capture of Bukavu on 2 June and the ensuing atrocities. It also informed the South Kivu leaders that these concerns had led to the decision of the Council to augment MONUC by an additional 5,900 personnel, most of whom would be deployed to the Kivus. Each province would receive a brigade of three battalions. Both the Indian brigade and the Pakistani brigade had completed their reconnaissance for their forthcoming deployment in the Kivus just prior to the mission's visit to Bukavu. Advance elements of the first Pakistani battalion arrived in theatre during the visit itself. The full deployment of both brigades will take several months to complete.

25. The Governor and his associates reaffirmed their determination to do everything possible to ensure that the elections could be held on time. The leaders also noted that while deep mistrust remains between different communities, they would work on reconciliation initiatives to ensure the coexistence of the Banyamulenge and other groups. They outlined the numerous challenges that remain, such as the insecurity resulting from the continuing inflows of arms, vast humanitarian needs, inaccessibility of parts of the province and lack of infrastructure and material requirements.

The role of the United Nations Organization Mission in the Democratic Republic of the Congo and the international community

26. In its meetings with Congolese interlocutors, the Council mission reminded them that the Council had "invested" considerably in the Democratic Republic of the Congo peace process. With the Council's adoption of resolution 1565 (2004), MONUC was now the largest and most expensive peacekeeping operation of the United Nations. MONUC was being reinforced with a view to contributing to the stabilization of the Democratic Republic of the Congo, especially in the east, and to assisting the Transitional Government in moving the reform and political processes forward. The mission noted the restructuring challenges that MONUC is now facing. It welcomed the strong grip that MONUC was taking on the very troubling issue of sexual exploitation and abuse and its zero-tolerance approach to the issue. It underlined the importance of early, detailed planning for the role of MONUC in supporting the election process in the Democratic Republic of the Congo.

27. The mission expressed the hope that the transitional leaders of the Democratic Republic of the Congo would take advantage of the unique support being provided by the international community and work effectively on political arrangements to ensure stability after the elections. While MONUC remained a principal tool of the Security Council to support the peace process in the country, the mission welcomed the work of CIAT, which was an essential forum for coordinating the approaches of MONUC with those of vital bilateral and multilateral partners of the Democratic Republic of the Congo. In this regard, the mission encouraged the *espace présidentiel* to maintain a regular dialogue with CIAT.

III. Burundi

28. The Security Council mission visited Bujumbura on 24 and 25 November and was greatly encouraged by the progress made in the peace process since its last visit. With the signing of the Global Ceasefire Agreement in November 2003, the Transitional Government of Burundi now includes representatives of CNDD-FDD (Nkurunziza). The mission was pleased to observe that the Burundian parties had reached an overall understanding on the conclusion of the transition.

29. The mission expressed its strong support for the transitional process based on the principles of dialogue, power-sharing and reconciliation. ONUB had been established by the Security Council earlier in the year to help assist and sustain this process. Welcoming the decision, endorsed by the States of the Regional Peace Initiative, to extend the transition, the Council mission nonetheless stressed to its Burundian interlocutors the need to adhere strictly to the newly adopted electoral calendar prepared by the Independent National Electoral Commission. Much remained to be done in the coming seven months.

30. The mission expressed its concern over delays encountered so far in two critical areas. First, the electoral code and the commune act, essential prerequisites for the elections, must be adopted. Second, progress should be made in the disarmament, demobilization and reintegration of combatants in order to create conditions conducive to the holding of elections. To do so, in turn, it was necessary to adopt the draft law on the organization of the defence and security forces, currently being considered by the National Assembly.

31. In its interaction with the Burundian leaders, the mission placed considerable emphasis on the need to ensure stability in the post-transition period, underscoring that elections were not an end in themselves, but must also serve as a means to achieve durable peace. The mission encouraged its interlocutors to work towards creating favourable conditions for stability in the long term. It also expressed hope that, with the successful conclusion of the Dar es Salaam summit on the Great Lakes region, Burundi would work with its neighbours to promote regional security.

32. The mission was reassured by the determination expressed by all its Burundian interlocutors to respect the electoral calendar and to strive to accelerate their efforts in addressing the above-mentioned outstanding issues through an inclusive dialogue. At the same time, Council members noted other priorities expressed by its various interlocutors, such as the need to accelerate the military integration; the release of political prisoners; the expeditious transformation of ex-belligerent groups into political parties; and the need to seek wider consultations on the draft post-transition constitution.

33. All the interlocutors of the mission stressed the need to take decisive measures against FNL, led by Agathon Rwasa, the only armed group outside of the peace process. It was recalled that the summit of the Regional Peace Initiative, held on 15 October, had declared the movement a terrorist organization and that the mission's interlocutors had made repeated requests for the Council to act on the matter. It was strongly felt by the mission's interlocutors that FNL (Rwasa) was not prepared to enter into negotiations, despite the numerous opportunities given to it to do so. At the same time, the Burundian leaders indicated that FNL did not pose a major threat to either the Transitional Government or the electoral process.

34. In many meetings, the mission's interlocutors reiterated their appeal to the international community to establish the international judicial commission of inquiry, as envisaged in the Arusha Agreement. It was felt that its establishment would underline the deep commitment of the international community to support the fight against impunity in Burundi. The mission noted, on the positive side, that the draft legislation on the national truth and reconciliation commission had been adopted by the Parliament and was awaiting promulgation by the President.

35. A broad understanding had been reached on power-sharing on the basis of the August 2004 Pretoria Agreement, and the interim Constitution had been adopted. The mission believed that parties with divergent views should continue to work with the others to reach a consensus on the issue in a spirit of pragmatism and compromise, especially during the discussion of the draft electoral code, in order to avoid further delays in the electoral calendar. The mission took note of the requests from some interlocutors that a follow-up mechanism of some kind, involving the international community, in particular the States in the region, be established in the post-electoral period to continue to assist the Burundian Government.

36. The mission was reassured to receive a widely shared assessment from the Burundian parties that the security situation in the country had improved. With the exception of Bujumbura Rurale, where the joint units of the Burundian Armed Forces and CNDD-FDD (Nkurunziza) continue to clash with FNL (Rwasa), most of the country was now considered stable. At the same time, wide-scale displacements have taken place in Bujumbura Rurale, and the level of criminality in general has increased. The mission underscored the need to redouble the Government's efforts to protect the civilian population, which continued to be victimized. Following the mission's meeting with representatives of civil society, the mission was all the more convinced that an effective strategy must be put in place to fight against the pervasive culture of impunity.

37. As in the previous visits of the Security Council to Burundi, there was a unified appeal by all of the mission's interlocutors to help them overcome the dire poverty facing the country, which was a root cause of the conflict and a major factor in the population's suffering. Many leaders requested the expeditious disbursement of pledged assistance, while others appealed for Burundi's external debts to be cancelled. The message that peace and development are intrinsically linked was echoed repeatedly throughout the mission's stay in Burundi.

The role of the United Nations Operation in Burundi and the international community

38. The mission offered congratulations on the successful operationalization of the United Nations Operation in Burundi. Five months after the smooth transition from the African Mission in Burundi to ONUB, the Operation, which has since been reinforced with additional contingents and acquired specialized civilian expertise, is now almost fully deployed, and its military and civilian personnel are present throughout Burundi. The mission took note of the close cooperation of ONUB with the Transitional Government on matters of vital importance, such as electoral issues and disarmament, demobilization and reintegration. The Implementation Monitoring Committee, chaired by the Special Representative of the Secretary-General for

Burundi, has been effective in encouraging the Transitional Government to advance the peace process.

IV. Regional dimension

39. While the Council has always recognized the linkages between the peace processes of the Democratic Republic of the Congo and of Burundi, the mission was left with the impression that the regional dimension of the conflict had become more prominent since its last visit, as was so vividly demonstrated by the tragic incident on 13 August in a refugee transit centre in Gatumba, Burundi, where 152 Congolese Banyamulenge were cold-bloodedly massacred. The subsequent waves of spontaneous refugee returns from Burundi to the Democratic Republic of the Congo have sharply increased tensions along the border, especially when they were stranded in the no-man's land between the two countries. Refugee flows affect all the countries in the subregion. Their safe return and smooth reintegration in their places of origin, in conditions of safety, must remain a key goal of the leaders in the region.

40. The mission is deeply disturbed by the indications it received from its interlocutors that illicit arms continue to flow through the porous borders into the Democratic Republic of the Congo. While the reinforcement of MONUC in the Kivus and the establishment of ONUB, together with the ongoing work of the group of experts established pursuant to Security Council resolution 1533 (2004), will enhance the international community's capacity to monitor such illegal circulations of arms, it was reminded of the vastness of such a task, with no fewer than 325 identified airstrips in the eastern Democratic Republic of the Congo alone. The mission was also concerned to receive reports, albeit unconfirmed, of possible cross-border cooperation between different armed groups.

41. The mission condemns the prevalence of sexual violence in both the Democratic Republic of the Congo and Burundi. Such atrocities continue to be perpetrated by almost all armed groups, including units associated with the Governments of the Democratic Republic of the Congo and of Burundi. Sexual violence, a war crime, must be stopped, and the regional leaders are reminded of their responsibility to hold those responsible accountable.

42. The successful conclusion of the Dar es Salaam summit on 20 November gives a ray of hope that a new chapter has been opened for regional cooperation. This positive outcome has given further dynamism to the ongoing peace processes of the Democratic Republic of the Congo and of Burundi. The alarming news of Rwanda's threatened preparedness to cross the border to "neutralize" the ex-FAR/Interahamwe only reinforces the need for stronger regional cooperation. The mission is convinced that the implementation of the 82 provisions of the Dar es Salaam Declaration provides a solid basis for consolidating peace and promoting cooperation between the countries of the Great Lakes region, keeping in mind the need to respect the sovereignty and territorial integrity of all States in the region.

43. The mission concluded its visit to the region with a meeting with President Museveni of Uganda, and they exchanged views on the status of the peace processes in the Democratic Republic of the Congo and in Burundi and on the humanitarian situation in northern Uganda.

44. President Museveni expressed the view that in order to achieve durable peace in the Democratic Republic of the Congo, that country needed a stronger, central authority, backed up by a capable military force. He also felt that the greater involvement of regional players, especially the African partners of the 1999 Lusaka Ceasefire Agreement, was an essential requirement. He added that a deeper and meaningful engagement of the broader international community was currently lacking in the process. Regarding the situation in Ituri, President Museveni stressed the need to integrate the armed groups, as agreed with the Transitional Government.

45. Regarding the situation in Burundi, he felt that the close involvement of regional States had borne fruit, and he commended their productive partnership with the United Nations, noting that it could serve as a future model of cooperation. On the political process, he emphasized the importance of preserving the most essential principle that had guided the Arusha Agreement: democracy, with security for all. To this end, it was crucial that minority interests be properly represented in key institutions of the future Government.

46. In regard to northern Uganda, President Museveni expressed his confidence that the conflict there would soon cease, given the recent positive developments in the Sudanese peace process, as a result of the curbing of cross-border operations of the Lord's Resistance Army, whose combatants had now become "fugitives". The mission highlighted its grave concerns over the humanitarian situation and appealed to the President to pay special attention to the plight of child soldiers and other children associated with the conflict. In response, President Museveni observed that the ability of LRA to abduct children has virtually disappeared.

V. Conclusions and recommendations

47. The Security Council mission found that the primary challenges facing the Democratic Republic of the Congo and Burundi were strikingly similar: the need to accelerate the implementation of the outstanding aspects of the transitional agenda to conduct credible elections that would lead to durable peace and stability. While the contexts and circumstances of the two conflicts are different, both countries find themselves at a crucial turning point in their peace processes. The mission noted the challenging nature of the last phase of the transition, since the most difficult issues are usually deferred until the end of the process. The leaders of the Transitional Governments of the Democratic Republic of the Congo and Burundi must persevere in their commitment to making the peace processes irreversible. It is their responsibility.

48. At the same time, the more the leaders of the Democratic Republic of the Congo and Burundi can do to advance the transitions in their countries the more the international community is likely to be able to assist. The mission notes that international support for the election processes is likely to be crucial, including material assistance and the participation of international observers.

49. Regarding the Democratic Republic of the Congo, the Council mission recalls that the parties signatories to the 16 December 2002 Global and All-Inclusive Agreement set out the following as the objectives of the transition: (a) the reunification, pacification and reconstruction of the country, the restoration of territorial integrity and the re-establishment of State authority throughout the national territory; (b) national reconciliation; (c) the creation of a restructured and

integrated national army; (d) the holding of free, transparent elections at all levels, allowing for the establishment of a democratic constitutional regime; and (e) the establishment of structures that will lead to a new political order. The progress achieved since last June, examined in this context, is impressive. At the same time, the list of objectives is a reminder that tremendous challenges still lie ahead.

50. The mission recommends that the *espace présidentiel* hold regular meetings with CIAT to help "prioritize priorities" from the extensive road map produced by the Transitional Government. It also now welcomes the fact that actors from the Transitional Government will engage in a dialogue with MONUC and other international partners, through the work of the three joint commissions, on issues that are fundamental to the success of the transition. With the elections scheduled to take place in seven months, establishing structures that lead to a new political order has acquired an added sense of urgency.

51. The mission strongly urges the Transitional Government to develop its disarmament, demobilization, repatriation, resettlement or reintegration plan, to be supported by MONUC. As long as the problem of the ex-FAR/Interahamwe in the Democratic Republic of the Congo remains, it will be a source of instability in the region. The mission therefore recommends that the Security Council urge possible donors of financial and technical assistance to help the Democratic Republic of the Congo in the important task of military integration. The mission further recommends that, within its current mandate, MONUC explore with the Transitional Government and the Congolese Armed Forces short-term measures to address the problems posed by non-governmental armed groups in the eastern Democratic Republic of the Congo and that the Department of Peacekeeping Operations and MONUC do all they can to accelerate the deployment of enhanced capabilities into the area.

52. Additionally, the operationalization of the Joint Verification Mechanism between the Democratic Republic of the Congo and Rwanda and the implementation of the diplomatic and security aspects of the Democratic Republic of the Congo-Rwanda-Uganda tripartite agreement are absolute imperatives. The mission recommends that the Council continue to closely monitor the implementation of these agreements and to follow closely the roles and activities of the States of the region to this end. The mission also recommends that the joint commissions between the Democratic Republic of the Congo and Burundi established in 2002 be reactivated, with a view to consolidating their bilateral relations. The mission supports Burundi's interest in joining the mechanisms agreed between the Democratic Republic of the Congo, Rwanda and Uganda.

53. Turning to the situation in Burundi, the mission was impressed by the major strides that have been made in favour of peace under the leadership of the President of the Transitional Government. It welcomes the spirit of reconciliation that has guided the process thus far. From its visit, the mission took note of three main requests from its interlocutors. First, the mission recommends that the Security Council undertake a deeper reflection on the issue of FNL, with a view to ascertaining what additional measures could be taken against those in the movement who compromise the peace process. Second, regarding the issue of impunity, it recommends that the Council take urgent action on the report of the assessment mission to Burundi on the feasibility of establishing an international judicial commission of inquiry, which should be submitted to it as quickly as possible.

Third, to help alleviate poverty, it is recommended that the Council proactively urge donor countries to disburse the much-needed financial aid and extend technical assistance to Burundians, as far as Burundi's capacity to absorb this assistance permits, and to work with the Burundian authorities to expand this capacity.

54. The mission was satisfied to see that ONUB was playing a useful, perhaps even indispensable, role in assisting its Burundian partners in implementing its peace process. The mission therefore recommends that the Security Council, when it considers the second report of the Secretary-General on the United Nations Operation in Burundi of 15 November 2004 (S/2004/902), extend the mandate of ONUB.

55. The mission believes that the Security Council must continue to actively explore means to take action to combat impunity, which in the absence of such action creates environments conducive to massive human rights abuses. All instruments available, such as the national human rights observatories, truth and reconciliation commissions and judicial prosecutions of those responsible, must be pursued vigorously.

56. The mission notes that despite the many concurrent challenges that remain, there has been a steady positive trend in the promotion of regional security. Since the adoption of the Principles on Good-Neighbourly Relations and Cooperation between the Democratic Republic of the Congo and its eastern neighbours in September 2003, much progress has been made, leading up to the adoption of the Dar es Salaam Declaration. The mission recommends that the Security Council welcome this development and encourage the participants in the International Conference on the Great Lakes Region to focus on the development of priorities and speedy implementation.

57. The mission wishes to express its appreciation to the heads of State and other interlocutors who met with the mission and provided valuable insights. The mission is also very grateful to Special Representatives Swing and McAskie for their sound advice and extensive assistance to facilitate the mission's visit to the Democratic Republic of the Congo and Burundi. The mission wishes to thank the United Nations Development Programme and other United Nations agencies for the faultless logistical support provided on its behalf in Nairobi, Kigali and Entebbe, as well as the Secretariat staff who accompanied it for their professionalism and support.

Abbreviations

CIAT	International Committee in Support of the Transition
CNDD	Conseil nationale pour la défense de la démocratie
FAR	Forces armées rwandaises
FDD	Forces pour la défense de la démocratie
FDLR	Forces démocratiques de libération du Rwanda
FNL	Forces nationales de libération
LRA	Lord's Resistance Army
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
ONUB	United Nations Operation in Burundi
RCD	Rassemblement congolais pour la démocratie